



# Training Directive

## USE OF TRAFFIC LIGHT-MOUNTED CAMERAS AND FACIAL RECOGNITION TECHNOLOGY

### **PURPOSE**

The purpose of this directive is to ensure that images and video footage from cameras that are mounted on traffic signals, or on Public Lighting Authority (PLA) poles (1) are used in a manner that honors the privacy of Detroit residents, while (2) providing Detroit Police Department (DPD) members the resources they need to ensure that Detroit neighborhoods are safe. The cameras subject to this directive, which include both PLA-pole mounted cameras and traffic-signal mounted cameras, are hereinafter referred to as "traffic light-mounted cameras."

### **Compliance with Applicable Laws**

Any use of images and/or video footage from traffic light-mounted cameras is subject to applicable local, state, and federal law; including, but not limited to, the protections provided in the First, Fourth, and Fourteenth Amendments to the United States Constitution. This directive is subject to all applicable law. This directive is meant to provide additional protections beyond those already provided by law.

### **Relationship to other DPD Policies**

This directive provides requirements that are applicable to traffic light-mounted cameras only. It does not supersede any generally applicable DPD policies with respect to other records or operating procedures. If this directive directly speaks to a subject that is also covered in a separate policy, this directive governs with respect to traffic light-mounted cameras only. If this directive is silent on a subject that is covered in a separate policy, the separate policy governs.

### **Discipline**

Any violations to this Training Directive specific to privacy, violation of use and private use shall be deemed egregious conduct.

### **Severability**

If any term or section of this directive is found to be to any extent illegal, otherwise invalid, or incapable of being enforced, such term or section shall be excluded to the extent of such invalidity or unenforceability; all other terms or sections hereof shall remain in full force and effect.

## **Training Directive: TRAFFIC LIGHT-MOUNTED CAMERAS**

**Number:** 19-07

**Date:** 04/09/2019

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### **PERMISSIBLE USES OF TRAFFIC LIGHT-MOUNTED CAMERAS**

#### **Permissible Law Enforcement Purposes**

DPD members may use footage and images obtained from traffic light-mounted cameras for legitimate law enforcement purposes only. For purposes of this directive, “legitimate law enforcement purposes” includes investigations into criminal activity; pursuit of a criminal suspect; monitoring an ongoing situation in which criminal activity is, or is reasonably expected to occur; and/or monitoring cameras at the Detroit Real-Time Crime Center (RTCC), where all generally applicable RTCC policies apply. The Crime Intelligence Unit must establish reasonable suspicion of criminal activity before creating or analyzing intelligence in any way gathered from traffic light-mounted cameras.

#### **Traffic Enforcement and Related Monitoring Prohibited**

DPD members are strictly prohibited from using footage or images obtained from traffic light-mounted cameras to enforce non-criminal traffic or pedestrian laws (e.g. red-light violations, jaywalking), or to issue civil infractions of any kind.

#### **Immigration uses Prohibited**

DPD members are strictly prohibited from using footage or images obtained from traffic light-mounted cameras to assist, in any way, with federal immigration enforcement.

### **PLACEMENT OF CAMERAS**

#### **Positioning**

Traffic light-mounted cameras will be positioned so that they provide video and images from public spaces only.

#### **Accidental Capture of Private Spaces**

If, notwithstanding the positioning of traffic light-mounted cameras as stated above, a traffic light-mounted camera accidentally captures video or images from a private area not accessible to the general public—including, but not limited to, a view of the interior of any building that is not visible from the street—DPD members will not monitor that camera until it is repositioned to capture video and images from public spaces only.

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### **RECORD RETENTION**

#### **Retention of Imagery**

Subject to the exception listed in the below section (Evidence of Criminality), any video or images from a traffic light-mounted camera may be retained for no more than 30 days, and must be deleted and destroyed no later than 30 days after recording. DPD may, in its discretion, opt to retain video or images from a traffic light-mounted camera for fewer than 30 days.

#### **Preservation of Evidence**

Any recording that contains evidence of a criminal activity will be retained until the case is solved, closed, and litigation ends. Any recording that is subject to a lawful request to preserve evidence in a civil matter will be retained until that request is lifted or expires.

### **USE OF FACIAL RECOGNITION TECHNOLOGY**

#### **Criminal Investigation Required**

DPD members will not use facial recognition technology unless that technology is in support of an active or ongoing criminal or homeland security investigation.

#### **Individualized Targeting**

DPD members may not use facial recognition technology on any person unless there is reasonable suspicion that such use of facial recognition technology will provide information relevant to an active or ongoing criminal or homeland security investigation.